

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6888

BILL NUMBER: HB 1262

NOTE PREPARED: May 2, 2013

BILL AMENDED: Apr 26, 2013

SUBJECT: Alcohol Server Online and Self-Study Training.

FIRST AUTHOR: Rep. Davis

FIRST SPONSOR: Sen. Alting

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill allows the Alcohol and Tobacco Commission (ATC) to approve an alcohol server training program established by a third party that provides both online and self-study courses and establishes requirements for both courses.

The bill allows an individual to take an alcohol server self-study course only if the individual meets the eligibility requirements established by the ATC for participation in a self-study course. It provides that the ATC may consider the following in establishing the eligibility requirements for taking a self-study course:

- (1) An individual's limited computer access.
- (2) An individual's physical disabilities that affect the individual's ability to participate in an online course.
- (3) Any other relevant circumstances.

It also requires a person taking a test in an alcohol server self-study course to appear at a test site in person and provide verification of the person's identity.

The bill requires a program provider to provide to the ATC: (1) a monthly report regarding participants that have taken alcohol server courses and received server certificates; and (2) a self-generated program audit every January 2. It allows the ATC to perform onsite audits of the program provider or require onsite audits.

It allows the ATC to refuse to issue a trainer certificate to an applicant who has been convicted of a felony if less than two years have elapsed from the date the applicant was discharged from probation, imprisonment, or parole, whichever date is latest, to the date the applicant applied for the trainer certificate.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Alcohol and Tobacco Commission (ATC)* - This bill could increase the ATC's administrative expenditures. The ATC would be required to establish standards and approve online and self-study alcohol server programs conducted by third parties. The ATC would also be required to determine individuals' eligibility to participate in self-study courses. In addition, the ATC may need to conduct onsite audits of program providers. The bill's requirements are within the ATC's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Explanation of State Revenues: *Penalty Provision* - The bill provides that a help desk instructor is required to hold a trainer certificate. A person who violates this provision commits a Class B infraction. The maximum judgment for a Class B infraction is \$1,000, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision* - If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

State Agencies Affected: Alcohol and Tobacco Commission.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Lauren Sewell, 317-232-9586.